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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,781

04/15/2004

Michael DeLazzer

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08/28/2006

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EXAMINER

WAGGONER, TIMOTHY R

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,781	Applicant(s) DELAZZER ET AL.	
	Examiner Timothy R. Waggoner	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-8,11-13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown USPN 4,821,917.

Brown discloses a media dispensing machine comprising:

(Re claim 1) "storing an article of inventory within an article transport storage unit" (5 figure 1). "assigning the article transport storage unit to an article dispensing machine", The step of assigning in brown being the decision as to which dispenser the module is to be inserted (figure 3). "causing the article transport storage unit to be in a locked condition" (36 figure 2). "causing delivery of the locked article transport storage unit" (figure 3). "permitting installation of the locked article transport" (42 figure 2). "causing the article transport storage unit to enter an unlocked condition wherein the article of inventory is accessible" (14 figure 1).

(Re claim 2) Since the dispenser of brown anticipates of the limitations of the method in claim 1 it would also anticipate the ability to be delivered by an independent company.

(Re claim 3) "inventory is a flat-pack type article" (tape cassette, abstract).

(Re claim 5) "storing a second article ... permitting the second article of inventory to be accessible" (50 figure 3).

(Re claim 6) "article of inventory and said second article ... in an aligned relationship" (50 figure 3).

(Re claim 7) The installation of the unit in brown involves making the electrical connection to the control board of the unit and locking it in place will allow it to dispense i.e. be unlocked.

(Re claim 8) The installation and unlocking of the unit then allows for the machine to access the articles stored and thereby stocking the machine.

(Re claim 11) "storing a first article ... within a ... storage unit" (50 figure 3). "assigning the article transport storage unit to an article dispensing machine", The step of assigning in brown being the decision as to which dispenser the module is to be inserted (figure 3). "causing the article transport storage unit to be in a locked condition" (36 figure 2). "causing delivery of the locked article transport storage unit" (figure 3). "causing entry of a command at the article dispensing machine", the command in this case being the input necessary to disengage the electrical connections and locking bar. "second article transport unit ... enter a locked condition in response to said command", once the electrical connection to the dispenser is severed the unit is in a locked state as seen in Brown. "causing ejection of said locked second article transport", this being the step of removing the unit from the dispenser in Brown. "causing removal of said locked second article transport storage unit", this being the step of taking the unit away from the dispenser in Brown. "permitting installation of the first locked article transport" (42

figure 2). "causing the article transport storage unit to enter an unlocked condition wherein the article of inventory is accessible" (14 figure 1).

(Re claim 12) Since the dispenser of brown anticipates of the limitations of the method in claim 11 it would also anticipate the ability to be delivered by an independent company.

(Re claim 13) "inventory is a flat-pack type article" (tape cassette, abstract).

(Re claim 15) "storing a third article ... permitting the third article of inventory to be accessible" (50 figure 3).

(Re claim 16) "first article of inventory and said third article ... in an aligned relationship" (50 figure 3).

(Re claim 17) The installation of the unit in brown involves making the electrical connection to the control board of the unit and locking it in place will allow it to dispense i.e. be unlocked.

(Re claim 18) The installation and unlocking of the unit then allows for the machine to access the articles stored and thereby stocking the machine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown USPN 4,821,917 in view of d'Alayer de Costemore d'Arc et al. USPN 6,126,036.

Brown discloses the invention as claimed in claim 1 and 11.

Brown does not disclose the dispensing of digital video discs.

D'Alayer teaches the dispensing of digital video discs.

It would be obvious to one skilled in the art to modify Brown to dispense digital video discs because digital video discs have replaced vhs cassettes in most households.

Claims 9,10,19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown USPN 4,821,917 in view of Kucharczyk et al. USPN 6,696,918.

Brown discloses the invention as claimed in claim 1 and 11.

Brown does not disclose unlocking its system by means of RFID or infrared to allow for loading of the device.

Kucharczyk teaches the use of RFID and Infrared to unlock a system.

It would be obvious to one skilled in the art to modify the locking means of brown to be activated by RFID or infrared because it provides a secure means of access.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPNs 6,814,256 and 5,143,193.

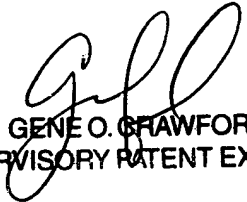
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571) 272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

Art Unit: 3651

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRW


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER